

REMARKS/ARGUMENTS

Claims 1-4 have been cancelled and replaced by new claims 5-8.

In response to the examiner's rejection of the original claims, new claims 5-8 have been rewritten in independent format using the restrictive phraseology "consisting of" to replace the original open phraseology "comprising".

MPEP §2111.03 states "The transitional phrase 'consisting of' excludes any element, step or ingredient not specified in the claim." With regards to the §102 refection of original claims 1-2, (now rewritten in independent and closed form as new claims 5-6), Montgomery '447 requires the use of a tab in order to function. Indeed, col. 2, lines 9-12 of the '447 reference states "Disposed between the left and right hand pages are a plurality of tabs that are much narrower than the width of the left and right hand pages, and form intermediate leaves in the book." Moreover, independent Claim 1 of the cited reference specifies "tab means". Montgomery '447 cannot function without the use of tabs, an element excluded from new claims (5-8) of the present invention.

Likewise, Rice '861 requires the use "masking means" in order to function. Col. 3, lines 17-22 of the '861 reference states "...answer section A is initially concealed by masking means..." Independent Claims 1, 3 and 6 of the cited reference specifies the necessity for "slidable masking means". Rice '861 cannot function without the use of such masking means, an element excluded from new claims (5-8) of the present invention.

In order for the cited references to anticipate Claims 5–8 of the present application any element, step or ingredient not specifically recited in Claims 5–8 must be excluded. Clearly, both the Montgomery ‘447 and Rice ‘861 references require more elements in order to function than the set of elements recited in each of claims 5–8.

In view of the above arguments, applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Laura Tunnell". The signature is written in a cursive, flowing style with a large initial "L".

Laura N Tunnell

Reg. No. 45,166

(805) 563–6556